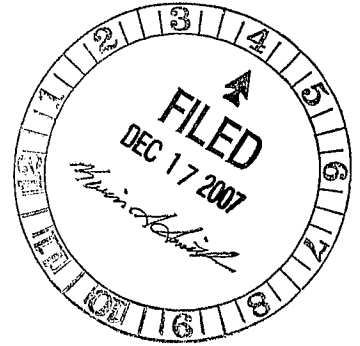


In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR CLARK COUNTY

Case No. 10S00-0712-MS-591

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Clark Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Clark Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR10-AR00-8 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website prior to taking effect on January 1, 2008.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR10-AR00-8 for Clark County Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2008. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website prior to January 1, 2008. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Daniel F. Donahue, Clark Circuit Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Vicki Carmichael, Clark Superior Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Cecile A. Blau, Clark Superior Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; the Hon. Steven M. Fleece, Clark Superior Court, 501 East Court Avenue, Jeffersonville, IN 47130-4029; and to the Clerk of the Clark Circuit Court.

The Clerk of the Clark Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website prior to January 1, 2008.

DONE at Indianapolis, Indiana, this 17th day of December, 2007.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

RULE 8
[LR10-AR00-8]

CASE ALLOCATION PLAN

Part I: ASSIGNMENT OF CIVIL AND JUVENILE CASES

A. Generally. Subject to the discretion of the presiding Judges of the Clark Circuit and Superior Courts, civil and juvenile cases shall be assigned upon filing by the Clerk of the Courts to one of the regular Judges as follows:

B. Probate Matters. Probate matters (ES, EU, AD, GU, & TR) shall be equally filed in the Circuit Court, Superior Court No. 1, and Superior Court No. 2.

C. Mental Commitments. Mental Commitments (MH) shall be filed in the Circuit Court.

D. Protective Orders. All Protective Orders (PO) shall be filed in Superior Court No. 2 and shall be heard by the Magistrate.

E. Small Claims. All Small Claims (SC) shall be filed in Superior Court No. 3.

F. Juvenile Delinquency Proceedings. All Juvenile Delinquency Proceedings (JD & JS) shall be filed in Superior Court No. 1.

G. Juvenile CHINS, Juvenile Miscellaneous, and Termination of Parental Rights Proceedings. All Children in Need of Services, Juvenile Miscellaneous, and Termination of Parental Rights (JC, JM, & JT) proceedings shall be filed in Superior Court No. 1.

H. All Other Cases. All Civil Plenary, Civil Tort, Civil Collections, Domestic Relations, Mortgage Foreclosure, Civil Miscellaneous, and Reciprocal Support (CP, CT, CC, DR, MF, CM, & RS) proceedings shall be equally assigned to Circuit Court, Superior Court No. 1 and Superior Court No. 2.

I. Juvenile Paternity Cases. All Juvenile Paternity Cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.

Part II: ASSIGNMENT OF CRIMINAL CASES

RULE 8

~~{LR10-AR00-8}~~

~~ALLOCATION OF CASES~~

A. Applicability. This ~~rule part~~ shall apply only to those cases filed in the Circuit and Superior Courts in Clark County, Indiana. This Rule shall not apply to misdemeanor cases filed in the Jeffersonville City Court, the Charlestown City Court, the Clarksville Town Court, or the Sellersburg Town Court.

B. Major Felony Cases. Except as otherwise specifically provided for, all cases which include Murder, Class A Felony, Class B Felony, or Class C Felony offenses as the most serious charged shall be assigned as follows:

[a] Cases alleging the most serious offense was committed during the months of January, March, May, July, September, or November shall be assigned to the Judge of Superior Court No. 1;

[b] All other cases shall be assigned to the Judge of the Circuit Court.

C. Misdemeanor and Class D Felony Cases. Except as otherwise specifically provided, all cases having a misdemeanor or Class D Felony as the most serious charge shall be assigned to the Judge of Superior Court No. 3.

D. Traffic-Related Cases. All cases which include a felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Superior Court No. 3.

E. Controlled Substances Cases. All Class A, Class B, and Class C felony cases which include a felony charge related to Controlled Substances under Indiana Code 35-48 or Legend Drugs under Indiana Code 16-42 shall be assigned to the Judge of Superior Court No. 2.

All new Class D or multiple Class D Felony cases in which the defendant therein previously appeared in Superior Court No. 2 shall be assigned to the Judge of Superior Court No. 2. All new Class D or multiple Class D Felony cases which include driving offenses shall be assigned to the Judge of Superior Court No. 3. All other new Class D or multiple Class D Felony cases shall be assigned to the Judge of the Circuit Court.

F. Juvenile Criminal Cases. All cases which include a misdemeanor or felony charge relating to traffic or motor vehicles, under Title 9 of the Indiana Code or Indiana Code 35-42-1 (Homicide), against a defendant alleged to be under the age of eighteen (18) years at the time of the commission of the offense, shall be assigned to the Judge of Superior Court No. 3. All other cases which include a felony or misdemeanor charge against a defendant alleged to be under the age of eighteen (18) at the time of the commission of the offense, shall be assigned to the Judge of Superior Court No. 1, except

for Controlled Substance cases which will be assigned pursuant to Section E. All cases which include a charge of Contributing to the Delinquency under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-8.1-3 shall be assigned to the Judge of Superior Court No. 1.

G. Attempt, Conspiracy, and Aiding Cases. For purposes of this Rule, when a case includes a charge of Attempt under Indiana Code 35-41-5-1, Conspiracy under Indiana Code 35-41-5-1, or Aiding under Indiana Code 35-41-2-4, proper assignment of the case shall be determined by reference to the substantive offense underlying each charge.

H. Re-filing of Dismissed Cases. In the event a criminal case is dismissed, and thereafter, the same or similar case is filed against the same defendant(s) based upon the same transaction, the case shall be assigned to the judge who entered the Order of Dismissal on the earlier case.

~~I. Juvenile Paternity Cases. All Juvenile Paternity Cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.~~

~~J. Other Juvenile Cases. All Juvenile CHINS cases, Juvenile Status cases, Juvenile Termination of Parental Rights cases, and Juvenile Miscellaneous cases shall be assigned to the Judge of Superior Court No. 1.~~

~~K. Mortgage Foreclosure and Civil Collection Cases. Mortgage Foreclosure cases shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.~~

~~Civil Collection cases seeking to recover ten thousand dollars (\$10,000.00) or less shall be filed in Superior Court No. 3. Civil Collection cases seeking to recover amounts in excess of ten thousand dollars (\$10,000.00) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.~~

~~L. Civil Tort and Civil Plenary Cases. Civil Tort and Civil Plenary cases shall be assigned on an equal basis to the Judge of the Circuit Court, the Judge of Superior Court No. 1, and the Judge of Superior Court No. 2.~~

~~M. Small Claims Cases. All Small Claims cases shall be assigned to the Judge of Superior Court No. 3.~~

~~N. Mental Health Cases. All Mental Health cases shall be assigned to the Judge of the Circuit Court.~~

~~O. Domestic Relations Cases. Domestic Relations cases shall be assigned on an equal basis to the Judge of the Circuit Court, the Judge of Superior Court No. 1, and the Judge of Superior Court No. 2.~~

~~P. Reciprocal Support Cases. All Reciprocal Support cases shall be assigned to the Judge of the Circuit Court.~~

~~Q. Protective Order Cases. All Protective Order cases shall be assigned to the Judge of Superior Court No. 2 unless the Protective Order request is associated with a Dissolution of Marriage case filed in another court. In such instance, the Protective Order request shall be assigned to that court.~~

~~R. Guardianship and Estate Cases. All Guardianship cases and all Estate cases (supervised and unsupervised) shall be assigned on an equal basis to the Judge of the Circuit Court and the Judge of Superior Court No. 2.~~

~~S. Trust Cases. All Trust cases shall be assigned to the Judge of the Circuit Court.~~

Part III: REASSIGNMENT OF CASES

~~T. A. Reassignment of Cases. If a case reassignment becomes necessary for any reason, including the granting of an application for change of judge, the Judge of the Circuit Court shall be reassigned all such cases from the Judge of Superior Court No. 1 and the Judge of Superior Court No. 3, and the Judge of Superior Court No. 1 shall be reassigned all cases from the Judge of the Circuit Court and the Judge of Superior Court No. 2.~~

~~U. B. Objections to Case Assignments. Any objection by a Judge based upon an improper assignment of a case under this Rule shall be made no later than ten (10) days from the date of the entry of the assignment on the Chronological Case Summary. Failure to raise a timely objection shall constitute a waiver.~~

~~V. C. Error in Case Assignments. Any error in the assignment of a criminal case shall not constitute grounds for an appeal or post-conviction relief unless actual bias or prejudice of the judge hearing the case is demonstrated~~